

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re: RIVERA, SILVERIO

§ Case No. 119-44768

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Debtor(s)

**CHAPTER 7 TRUSTEE'S FINAL ACCOUNT AND DISTRIBUTION
REPORT CERTIFICATION THAT THE ESTATE HAS BEEN FULLY ADMINISTERED
AND APPLICATION TO BE DISCHARGED (TDR)**

RICHARD J. McCORD, chapter 7 trustee, submits this Final Account, Certification that the Estate has been Fully Administered and Application to be Discharged.

1) All funds on hand have been distributed in accordance with the Trustee's Final Report and, if applicable, any order of the Court modifying the Final Report. The case is fully administered and all assets and funds which have come under the trustee's control in this case have been properly accounted for as provided by law. The trustee hereby requests to be discharged from further duties as a trustee.

2) A summary of assets abandoned, assets exempt, total distributions to claimants, claims discharged without payment, and expenses of administration is provided below:

Assets Abandoned: <u>\$7,928.00</u> <i>(without deducting any secured claims)</i>	Assets Exempt: <u>\$7,628.00</u>
Total Distribution to Claimants: <u>\$7,134.59</u>	Claims Discharged Without Payment: <u>\$100,311.30</u>
Total Expenses of Administration: <u>\$8,865.41</u>	

3) Total gross receipts of \$ 16,000.00 (see **Exhibit 1**), minus funds paid to the debtor and third parties of \$ 0.00 (see **Exhibit 2**), yielded net receipts of \$16,000.00 from the liquidation of the property of the estate, which was distributed as follows:

	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
SECURED CLAIMS (from Exhibit 3)	\$227,431.00	\$0.00	\$0.00	\$0.00
PRIORITY CLAIMS:				
CHAPTER 7 ADMIN. FEES AND CHARGES (from Exhibit 4)	0.00	8,865.41	8,865.41	8,865.41
PRIOR CHAPTER ADMIN. FEES AND CHARGES (from Exhibit 5)	0.00	0.00	0.00	0.00
PRIORITY UNSECURED CLAIMS (from Exhibit 6)	0.00	0.00	0.00	0.00
GENERAL UNSECURED CLAIMS (from Exhibit 7)	105,892.00	33,643.89	33,643.89	7,134.59
TOTAL DISBURSEMENTS	\$333,323.00	\$42,509.30	\$42,509.30	\$16,000.00

4) This case was originally filed under Chapter 7 on August 05, 2019.
The case was pending for 26 months.

5) All estate bank statements, deposit slips, and canceled checks have been submitted to the United States Trustee.

6) An individual estate property record and report showing the final accounting of the assets of the estate is attached as **Exhibit 8**. The cash receipts and disbursements records for each estate bank account, showing the final accounting of the receipts and disbursements of estate funds is attached as **Exhibit 9**.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Dated: 10/06/2021 By: /s/RICHARD J. McCORD
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

**EXHIBITS TO
FINAL ACCOUNT**

EXHIBIT 1 –GROSS RECEIPTS

DESCRIPTION	UNIFORM TRAN. CODE ¹	\$ AMOUNT RECEIVED
3655 Lark Street, Levittown, New York 11756	1110-000	16,000.00
TOTAL GROSS RECEIPTS		\$16,000.00

¹The Uniform Transaction Code is an accounting code assigned by the trustee for statistical reporting purposes.

EXHIBIT 2 –FUNDS PAID TO DEBTOR & THIRD PARTIES

PAYEE	DESCRIPTION	UNIFORM TRAN. CODE	\$ AMOUNT PAID
	None		
TOTAL FUNDS PAID TO DEBTOR AND THIRD PARTIES			\$0.00

EXHIBIT 3 –SECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6D)	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
NOTFILED	Wells Fargo Home Mortgage	4110-000	227,431.00	N/A	N/A	0.00
TOTAL SECURED CLAIMS			\$227,431.00	\$0.00	\$0.00	\$0.00

EXHIBIT 4 –CHAPTER 7 ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
Trustee Expenses - RICHARD J. McCORD	2200-000	N/A	166.55	166.55	166.55
Attorney for Trustee Expenses (Trustee Firm) - Certilman Balin Adler & Hyman, LLP	3120-000	N/A	17.86	17.86	17.86
Attorney for Trustee Fees (Trustee Firm) - Certilman Balin Adler & Hyma, LLP	3110-000	N/A	6,331.00	6,331.00	6,331.00
Trustee Compensation - RICHARD J. McCORD	2100-000	N/A	2,350.00	2,350.00	2,350.00
TOTAL CHAPTER 7 ADMIN. FEES AND CHARGES		N/A	\$8,865.41	\$8,865.41	\$8,865.41

EXHIBIT 5 –PRIOR CHAPTER ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
None					
TOTAL PRIOR CHAPTER ADMIN. FEES AND CHARGES		N/A	\$0.00	\$0.00	\$0.00

EXHIBIT 6 –PRIORITY UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6E)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
None						
TOTAL PRIORITY UNSECURED CLAIMS			\$0.00	\$0.00	\$0.00	\$0.00

EXHIBIT 7 –GENERAL UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6F)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
1	American Express National Bank	7100-000	146.00	1,173.59	1,173.59	248.88
2	Department Stores National Bank	7100-000	5,965.00	5,965.82	5,965.82	1,265.12
3	Portfolio Recovery Associates, LLC	7100-000	25,979.00	26,504.48	26,504.48	5,620.59
NOTFILED	Student Loan Corp	7100-000	3,037.00	N/A	N/A	0.00
NOTFILED	Student Loan Corp	7100-000	15,501.00	N/A	N/A	0.00
NOTFILED	EOS CCA	7100-000	73.00	N/A	N/A	0.00
NOTFILED	Wells Fargo Bank	7100-000	39,808.00	N/A	N/A	0.00
NOTFILED	Bank of America	7100-000	14,497.00	N/A	N/A	0.00
NOTFILED	Citibank	7100-000	886.00	N/A	N/A	0.00
TOTAL GENERAL UNSECURED CLAIMS			\$105,892.00	\$33,643.89	\$33,643.89	\$7,134.59

Form 1

Individual Estate Property Record and Report

Asset Cases

Case Number: 119-44768

Trustee: (521290) RICHARD J. McCORD

Case Name: RIVERA, SILVERIO

Filed (f) or Converted (c): 08/05/19 (f)

§341(a) Meeting Date: 09/11/19

Period Ending: 10/06/21

Claims Bar Date: 04/29/20

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Abandoned OA=\$554(a)	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1 Used Furniture and other household goods Imported from original petition Doc# 12	1,500.00	0.00		0.00	FA
2 TV, Cell Phone Imported from original petition Doc# 12	400.00	0.00		0.00	FA
3 Used Clothing Imported from original petition Doc# 12	200.00	0.00		0.00	FA
4 Cash Imported from original petition Doc# 12	150.00	0.00		0.00	FA
5 3655 Lark Street, Levittown, New York 11756 Petitoin amended on July 15, 2020 to include real property	202,500.00	0.00		16,000.00	FA
6 2009 Toyota Tacoma mileage 115341	5,678.00	0.00		0.00	FA
6 Assets Totals (Excluding unknown values)	\$210,428.00	\$0.00		\$16,000.00	\$0.00

Major Activities Affecting Case Closing:

follow up with debtor's attorney and ex-wife re: offer on equity in property

9/19/19 At the 341A Meeting of Creditors, the debtor advised the Trustee he owns property not listed in petition in Levittown, NY with possible equity with his Ex-wife, and has a 2009 Toyota not listed in petition

9/19/19 The Trustee sent correspondence to debtor's attorney requesting contact information for debtor's ex-wife, copies of the deed, current mortgage statement and appraisal for the property in Levittown, NY, and copies of the title, lease or lien and value of the 2009 Toyota. The Trustee also advised debtor's attorney to amend debtor's petition to include these assets.

10/11/19 The Trustee sent follow up correspondence to debtor's attorney requesting contact information for debtor's ex-wife, copies of the deed, current mortgage statement and appraisal for the property in Levittown, NY, and copies of the title, lease or lien and value of the 2009 Toyota. The Trustee also advised debtor's attorney to amend debtor's petition to include these assets.

1/23/20- The Trustee sent follow up correspondence to debtor's attorney requesting contact information for debtor's ex-wife, copies of the deed, current mortgage statement and appraisal for the property in Levittown, NY and copies of the title, lease or lien and value of the 2009 Toyota. The Trustee also advised debtor's attorney to amend debtor's petition to include these assets.

01/29/20- The Trustee filed a notice of discovery of assets with the Court.

6/30/2020-The Trustee sent follow-up correspondence to Norma Ortiz, Esq. requesting contact information for debtor's ex-wife, copies of the deed, current mortgage

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Ref. #					

statement and appraisal for the property in Levittown, NY and copies of the title, lease or lien and value of the 2009 Toyota. The Trustee also advised debtor's attorney to amend debtor's petition to include these assets.

7/16/2020 The Trustee has received and reviewed documents from debtor's attorney. Based upon same, the Trustee has requested a copy of a current mortgage statement for the Levittown property, advised to amend Schedule D to include mortgage if there is one, and advised debtor cannot take a homestead exemption for the property as it is not debtor's principal residence.

8/4/2020 As there appears to be a significant amount of non exempt equity in the property located at 3566 Lark Street, Levittown, NY 11756, the Trustee sent email correspondence to debtor's attorney asking if the debtor will be making an offer to the Trustee to purchase the Trustee's right, title and interest for the non exempt portion of the equity. The Trustee also sent correspondence to debtor's ex-wife, Sandra Rivera, as she is co-owner of the property asking if she will be making an offer to purchase the trustee's right, title and interest in said property.

8/11/2020 The Trustee received email correspondence from debtor's attorney advising debtor had no interest in the house, he was divorced and was ordered to pay the mortgage etc., but he lost income after the divorce. He could no longer afford to meet all of his obligations under the divorce, it was an oversight that attorney did not list house on the schedules as debtor had no interest in keeping the house, after the petition was filed debtor called the attorney advising his daughter has Lupus, just had a baby and she moved in to the house, and wanted to know what he could do to keep the house for his ex and his daughter. Debtor cannot afford a Chapter 13 to save the house and can't afford to buy it due to COVID, Debtor's attorney believes a sale is the only option but is not sure how the divorce impacts the ability to sell the house. Based upon same, the Trustee has sent email correspondence to debtor's attorney requesting a copy of debtor's Divorce Decree for review.

10/9/2020 The Trustee sent follow-up email correspondence to the debtor's attorney requesting a copy of the debtor's divorce decree for the Trustee's review.

11/2/2020 The Trustee received a copy of the stipulation of settlement dated June 26, 2017 between the debtor and his ex-wife.

11/5/2020 The Trustee sent follow-up correspondence via first class mail and certified mail to the debtor's ex-wife requesting that she make an offer to the Trustee to purchase the Trustee's right, title and interest in the real property located in Levittown, NY.

11/20/2020 The Trustee sent further follow-up correspondence via first class mail and certified mail to the debtor's ex wife requesting that she make an offer to the Trustee to purchase the Trustee's right, title and interest in the real property located in Levittown, NY.

1/21/2021 The Trustee sent further follow-up correspondence via Federal Express and first class mail to the debtor's ex-wife requesting that she make an offer to the Trustee to purchase the Trustee's right, title and interest in the real property located in Levittown, NY. The Trustee stated in this correspondence that this is the final request and a response is required within ten days from the date of the letter.

2/10/2021 The Trustee received a response from Gary Field, Esq., stating that he represents the debtor's ex-wife, Sandra Rivera, and that he is requesting that the Trustee contact him to discuss the Trustee's intention to retain a real estate broker to sell the former marital residence.

3/3/2021 The Trustee filed the application to retain Certilman Balin Adler & Hyman, LLP as counsel to the Trustee.

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Case Name: RIVERA, SILVERIO

Filed (f) or Converted (c): 08/05/19 (f)

§341(a) Meeting Date: 09/11/19

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Claims Bar Date: 04/29/20

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Ref. #					

03/09/21- The Trustee has been contacted by Gary Field, Esq. on behalf of Sandra Rivera, the debtors ex-wife and the co-owner of the Levittown Real property who advised that Ms. Rivera is considering making an offer to the Trustee. The Trustee is awaiting said offer.

03/16/21- Email sent to Gary Field requesting a status of his clients offer for the real property.

03/26/21- Email sent to Gary Field requesting a status.

04/06/21- The Trustee has received an offer from Sandra Rivera, the debtor's ex-wife, for the purchase of the Trustee's right, title and interest in the real property located at 3655 Lark Street, Levittown, New York, for the sum of \$20,000.00. The Trustee has accepted the offer and will prepare the Stipulation of Settlement. Email sent to UST requesting a status of the Certilman Balin retention.

04/08/21- The draft Stipulation of Settlement has been forwarded to counsel for Sandra Rivera for his review and comments.

04/09/21- Email sent to UST re: status of retention

04/19/21- Follow up email sent to Gary Field, Esq. requesting status of review of the Stipulation of Settlement.

04/30/21- Pursuant to further discussion with Gary Field, Esq., the debtors ex-wife was having difficulty obtaining the full amount of the settlement funds. She has been diagnosed with bile duct cancer and is undergoing chemotherapy. She was able to obtain the sum of \$16,000.00. Based upon same, the Trustee accepted the reduced offer. The revised Stipulation has been sent to her counsel. Email correspondence to UST requesting a status of the Certilman retention.

05/04/21- The Order for the Certilman retention was entered on May 4, 2021.

05/6/21- The Trustee has received the executed Stipulation. The Trustee has prepared and filed the Notice of Presentment and Application in Support for an Order Pursuant to Rule 9019(a) of the Federal Rules of Bankruptcy Procedure Authorizing Compromise and Settlement was filed. Objections are to be filed by May 26, 2021, the Order is scheduled to be presented for signature on June 2, 2021 and if there are no objections, the hearing will be scheduled for June 15, 2021.

06/03/21- The Order Pursuant to Rule 9019(a) of the Federal Rules of Bankruptcy Procedure Authorizing Compromise and Settlement was signed on June 2, 2021. The order has been forwarded to Gary Field, Esq., counsel to Sandra Rivera, requesting that the funds be sent to the Trustee within 10 business days of the approval of the Stipulation. Email recieved that they were awating the check to be issued from the account administrator.

06/16/21- Email sent to Gary Field, Esq. requesting a status as to when the Trustee would be in receipt of the settlement funds. Email received from Gary Field advising that the funds will be sent out to the Trustee this week.

06/29/21- The Trustee filed a request with the Court for Clerk Fees.

06/30/21- The Trustee has received the funds in the amount of \$16,000.00 for the purchase of the Trustee's right, title and interest in the Levittown Property pursuant

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Ref. #					

to the Stipulation of Settlement.

07/02/21- The Trustee has executed the quitclaim deed and related transfer documents and forwarded same to counsel for Sandra Rivera.

07/08/21- The Trustee has prepared and filed the Trustee's Final Report with the Office of the United States Trustee.

07/22/21- The final report was approved and the final hearing is scheduled for August 18, 2021 at 10:00 a.m.

08/25/21- There were no objections filed to the Trustee's final report and on August 19, 2021, the Order Approving the fees to Certilman Balin as counsel to the Trustee and the Order approving the Trustee's final report were signed. The Trustee has distributed the funds from the estate. Upon receipt of a zero bank balance, the Trustee will file the Affidavit of Final Distribution.

Initial Projected Date Of Final Report (TFR): February 5, 2020

Current Projected Date Of Final Report (TFR): July 8, 2021 (Actual)

Form 2

Cash Receipts And Disbursements Record

Case Number: 119-44768
Case Name: RIVERA, SILVERIO

Trustee: RICHARD J. McCORD (521290)
Bank Name: TriState Capital Bank
Account: *****5943 - Checking Account
Blanket Bond: \$42,742,595.00 (per case limit)
Separate Bond: N/A

Taxpayer ID #: **-***7583
Period Ending: 10/06/21

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
06/30/21	{5}	Sandra Rivera	Funds for the purchase of the estates right, title and interest in the Levittown Property pursuant to the Court approved Stipulation of Settlement	1110-000	16,000.00		16,000.00
08/25/21	101	RICHARD J. McCORD	Payment of Trustee's Expenses pursuant to Court Order dated August 19, 2021	2200-000		166.55	15,833.45
08/25/21	102	Certilman Balin Adler & Hyman, LLP	Payment of Expenses to Counsel for the Trustee Pursuant to Court Order dated August 19, 2021	3120-000		17.86	15,815.59
08/25/21	103	Certilman Balin Adler & Hyman, LLP	Payment of Fees to Counsel for the Trustee Pursuant to Court Order dated August 19, 2021	3110-000		6,331.00	9,484.59
08/25/21	104	RICHARD J. McCORD	Payment of Trustee's Commissions Pursuant to Court Order dated August 19, 2021	2100-000		2,350.00	7,134.59
08/25/21	105	American Express National Bank	Dividend paid 21.20% on \$1,173.59; Claim# 1; Filed: \$1,173.59;	7100-000		248.88	6,885.71
08/25/21	106	Department Stores National Bank	Dividend paid 21.20% on \$5,965.82; Claim# 2; Filed: \$5,965.82;	7100-000		1,265.12	5,620.59
08/25/21	107	Portfolio Recovery Associates, LLC	Dividend paid 21.20% on \$26,504.48; Claim# 3; Filed: \$26,504.48;	7100-000		5,620.59	0.00

ACCOUNT TOTALS	16,000.00	16,000.00	\$0.00
Less: Bank Transfers	0.00	0.00	
Subtotal	16,000.00	16,000.00	
Less: Payments to Debtors		0.00	
NET Receipts / Disbursements	\$16,000.00	\$16,000.00	

	Net Receipts	Net Disbursements	Account Balances
TOTAL - ALL ACCOUNTS			
Checking # *****5943	16,000.00	16,000.00	0.00
	16,000.00	16,000.00	\$0.00